

Children's Community Options Program

It is further understood and agreed by both parties through this attachment to the CY 2018 "State and County Contract Covering Social Services and Community Programs" that:

I. Funds Provided/Period Covered

Funds in the amount identified in this appendix are provided for the period beginning January 1, 2018, through December 31, 2018.

II. Purpose and Service Conditions on the Use of the Additional Funds

These additional funds may be used by the County only in full accordance with Wis. Stat. [s. 46.272](#), the Children's Community Options Program (CCOP) Procedures Guide, numbered and informational memos and correspondence, and the 2018 County Children's Community Options plan. Use of these funds is limited to persons under 22 years of age who are not eligible to receive services in or on a waiting list for an adult long-term care program.

Eligibility for CCOP is determined by the Children's Long Term Functional Screen which meets requirements of Wis. Stat. s. [46.272\(2\)\(d\)](#)

The funds shall be apportioned as follows:

Sub-Allocation A: Funds identified in sub allocation A are for reimbursement of costs in developing assessments and care plans under ss. [46.272\(7\)](#) (a) and (f), (8), (11) and (13) (a) 1.

Assessment/plan funds may be used to pay the costs not otherwise paid by fee or under ss. [49.45](#) or [49.78\(2\)](#). The County may use unspent funds allocated under this subdivision to pay the cost of long term-community support services and/or for a risk reserve under s. [46.272\(13\)\(f\)1](#).

Sub-Allocation B: Funds identified in sub allocation B are to reimburse the activities and the direct service cost of non-institutional community services provided to persons as specified in ss. [46.272\(7\)\(b\)](#), (10), (13)(a)(2) and (13)(b-h). These funds are allocated to pay the cost of providing long-term community support services described in (7)(b) not otherwise paid under s. [49.45](#) to children eligible under ss. [49.46](#), [49.47](#), or [49.471\(4\)\(a\)](#).

The County department administering the program may spend funds received under this paragraph only in accordance with the case plan and service contract created for each child receiving long-term community support services. County may use unspent funds allocated under this subdivision for a risk reserve under subsections. [46.272\(13\)\(f\)1](#).

Funds in sub-allocation A not required for assessments or care plans may be used for purposes stated in sub-allocation B. Failure to meet these purposes and conditions will result in loss of these funds by the County and their repayment by the County to the Department. Any sub-allocation may be increased or decreased by written notice from the Department.

Wis. Stat. s. [46.272 \(13\)\(h\)](#) specifies that CCOP service funds may not be used to supplant funding of other programs. CCOP service funds are funding of last resort and must be used in accordance and aligned with the services provided through the Children's Long-Term Support Waiver Program when applicable.

Applicants to and participants in CCOP who file for an appeal under conditions outlined in Chapter 7 of the CCOP Procedures Guide and their representatives with legal authority or a signed release of information have the right to access copies of documents they would like to introduce as an exhibit at a fair hearing. The County shall provide one copy of these records at no cost and in a timely manner. The County may recoup the actual cost of providing copies of records under Sub-Allocation B.

III. Fiscal conditions on Earning of the Additional Funds

A. These additional funds are earned under the following conditions:

1. Under s. [46.272\(9\)\(c\)](#) from the information obtained under s. 46.272(13)(b), the County shall determine the amount of the fee for receipt of children's long term community support services. The county agrees to implement the Parental Payment System for the CCOP Program as directed in Wisconsin Administrative Code Chapter DHS 1. The County shall require payment by the child or parent or guardian of the child of 100 percent (100%) of the amount calculated. The County shall use funds received under s. 46.272(13)(c) to pay for long-term community support services for children who are eligible for services under the children's community options program.
2. By letter notice from the Department, under s. [46.272\(13\)\(d\)](#), if the Department determines that the County demonstrates a pattern of failure to serve clients whose cost of care significantly exceeds the average cost of care for children's long term community support services, the Department may require that the County reserve a portion of funds allocated under this subsection for the provision of service to those clients.
3. These funds may not be used to pay for room and board for children under CCOP.
4. County may be disallowed reimbursement for services provided to children who do not meet the eligibility requirements for CCOP or any other eligibility requirements established by the Department.
5. The Department may recoup funds received under this section for services that are allowable and appropriate for reimbursement under Medicaid waivers or other priority funding sources.

6. County may not use funds received under this section to purchase land or construct buildings.
7. Funding may not be used to pay for long-term community support services provided to any child who resides in a nursing home or other institutional setting, unless the Department waives this restriction on the use of the funds and services are provided in accordance with a discharge plan.
8. As described in s. [46.272\(15\)](#), a child who is denied eligibility for services or whose services are reduced or terminated may request a hearing from the Department under Wis. Stat. s. 227.44, except that lack of adequate funding may not serve as the basis for a request.
9. Under s. [46.272\(13\)\(e\)](#), the Department shall, at the request of the County, carry forward up to 5 percent (5%) of the base funds allocated under this appendix if the funds allocated have not been spent or encumbered by the County by December 31 of the contract year for use by the County in the following calendar year. The amount carried forward shall be reduced by the amount of funds that the County has notified the Department that the County wishes to place in a risk reserve under s. [46.272\(13\)\(f\)](#). An allocation under this paragraph does not affect the County's base allocation under this sub-section and shall lapse to the State general fund unless expended within the calendar year to which the funds are carried forward. The County may not expend funds carried forward under this paragraph for administrative or staff costs, except administrative or staff costs that are associated with implementation of the waiver under s. [46.272\(14\)](#) and have been approved by the Department.
10. The County is allowed to establish a risk reserve for CCOP and to place CCOP funds that are not expended or encumbered for assessments, care plans or services in the risk reserve, not to exceed 10 percent (10%) of the County's most recent allocation under par (a) and s. [46.272\(14\)\(b\)1](#) or \$750,000, whichever is less. The total amount of the risk reserve, including interest, may not exceed 15 percent (15%) of the County's most recent allocation under this appendix. Under s. [46.272\(13\)\(f\)](#), deposits in the risk reserve will reduce, by an equal amount, the limit on the amount of CCOP funds that can be carried forward to the subsequent calendar year.
11. Under s. [46.272\(13\)\(f\)](#) the County shall notify the Department about amounts placed in a risk reserve. The county is required to annually, or as requested, submit to DHS a record of the status of the risk reserve, including revenues and disbursements. The CCOP risk reserve must be maintained in an interest-bearing escrow account with a financial institution that must be held **separate** from the County's investment accounts. The terms of the escrow account must be approved by DHS. All interest from the principal must be reinvested in the escrow account. Funds from the risk reserve may be expended for any of the following purposes:

- a) To defray the costs of children's long-term community support services under this section;
- b) If approved by the Department, for administrative or staff costs under this section.

B. Use of funds is conditioned by the following:

- 1. Department approval of the 2018 Children's Community Options Plan under s. [46.272\(13\)\(b\)2](#) and the County's acceptance and fulfillment of any conditions attached to the plan approval. The department may not release funds under this subsection before approving the county's children's community options plan.
- 2. Department approval of the County plan for expenditure of carry forward funds.
- 3. Funds allocated under this subsection may not be used to replace any other State and Federal funds or any County funds that are currently being provided under any program to a family whose child is receiving services through CCOP (s. [46.272\(13\)\(h\)](#)).

The Department shall apply these conditions in determining the close of the contract. The amount of any subsequent audit adjustment on the funds in this contract shall be based exclusively upon these conditions.

IV. Fiscal and Client Reporting Conditions

A. These additional funds and participants served by them must be reported to the Department as follows:

- 1. Expenditures of funds from sub-allocations A and B must be reported and billed on the forms as prescribed by the Department on CARS Profile #000377 CCOP as stated in the State/County Contract.
- 2. For assessments and care plans to be reimbursed timely with funds from sub-allocation A, the information required on the Human Services Reporting System (HSRS) or equivalent reporting system as determined by the Department must be submitted by the last day of the month following the month in which the activity is completed.
- 3. For each individual receiving services with funds from sub-allocation B, information is required on the HSRS or equivalent reporting and billing system as determined by the Department by the last day of the month following the month in which services are provided. Expenditures must be claimed based on date of service, not date of payment. All financial reports for the calendar year must be submitted no later than February 28 (unless a later date has been communicated to the County by the Department) of the following year.

- B. Within spending limits determined by Department policy, CCOP service funds may be used at the discretion of the County. CCOP funds may be used for the non-Federal portion of expenditures that exceed the CLTS non-Federal contract. When CCOP funding is used in this way the Federal matching share will be reimbursed in accordance with the Federal matching rate in effect at the time reported expenses are paid by the CARS system. CCOP funding utilized as match for the CLTS Waiver Program is determined based on claims paid through the Department's third party administrator (TPA) vendor, as determined by the County authorizations. Final CCOP funding applied for CLTS waivers will be determined based on the final claims data and county reports during the year end reconciliation process. Final year-end reconciliation of expenditures will be based on the information submitted on the HSRS and/or equivalent reporting system as determined by the Department plus any supplemental reconciliation format as required by the Department. Information submitted must include, but is not limited to, all service expenditures and associated units by the correct standard program category by participant.
- C. Failure to document and report these funds and the participants served by them as specified will result in the loss of these funds by the County and their repayment by the County to the Department.

V. Payment Procedures

Payment shall be made in accordance with the State/County Contract.

Conditions for the payments to begin, other than the execution of this contract, will be the fulfillment of the conditions specified under section 4.02 of the contract.

Payments through 06/30/2018 are limited to 4/12 of the contract with the balance paid after 6/30/2018 based on reported costs up to the contract level.